

REMARKS

This paper responds to the Office Action dated March 1, 2005.

Claims 3, 5, 8, 11, 14, 15, 17, and 18 are amended. No claims are canceled. Claims 21-34 are added. Accordingly, claims 1-34 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 2, 9, 10, 12, 13, 16, 19 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Snell (U.S. Patent No. 4,791,936). Applicant respectfully traverses the rejection. To anticipate a claim, the reference must teach all elements of the claim. *M.P.E.P.* § 2131.

The Office Action refers to Snell as the '937 patent. Applicant is proceeding under the belief that the Office Action intended to refer to the '936 patent.

Regarding Claims 1 and 2:

Applicant cannot find in Snell, among other things,
an output unit for displaying data, wherein the processor correlates at least a first data set and a second data set and sends the correlated data sets to the output unit for simultaneous display by the output unit, and wherein at least one of the data sets is collected asynchronously,

as recited or incorporated in the claims. The Office Action refers to an ECG in Snell as a first data set and spikes 51 and 53 as at least a second data set. The Office Action then asserts that the pulses 51 and 53 are asynchronous to each other and the ECG. (Office Action, Pg. 2). Applicant respectfully disagrees with the assertion. Snell states that when the A or V pulses are output to cause depolarization, the [skin ECG] electrodes 8 will be responsive to the output and spikes 51 and 53 will be displayed on the display surface (col. 10 lines 15-19). Thus, the ECG and the spikes 51 and 53 are not first and second data sets because they are all part of the same signal from the same skin ECG electrodes. Also, because the skin ECG is apparently collected continuously once it is selected, neither the ECG nor the spikes 51 and 53 are collected asynchronously (col. 8 line 64 through col. 9 line 7).

Additionally, Applicant is unable to find in Snell, a communication network as recited or incorporated in the claims. The Office Action characterizes interpreters 6a, 6b, 6c, and 12 as a communication network interface, but Snell refers to the interpreters as receiving RF signals

from a telemetry head (col. 6 lines 32-37) and that the telemetry head receives signals from a pacemaker (col. 5 lines 25-27). Thus, Snell does not disclose a communication network.

Further, Applicant is unable to find, wherein the first data set is periodically collected, as recited in claim 2. The Office Action asserts that the ECG wave pattern 48 is a periodic signal that is periodically collected. However, the ECG is apparently collected continuously once it is selected (col. 8 line 64 through col. 9 line 7), not periodically.

Applicant respectfully requests reconsideration and allowance of claims 1 and 2.

Regarding claims 9, 10, 12, and 13:

Applicant cannot find in Snell, among other things,

the second data set including conditions of a cardiac rhythm management device under which the second data set was acquired ... an output unit receiving the correlated first and second data sets from the processor, the first set, second data set and conditions being simultaneously displayed on said output unit,

as presently recited or incorporated into the claims. Examples of conditions as described within the present application can be found in Figure 9 (915, 925), and page 17 line 16 through page 18 line 15, and include pace maker settings, percentage of time used, time of date, etc. The Office Action states that the V-pulse 99 shows the condition in which the pacemaker stimulated the ventricle (Office Action pg. 3). Applicant respectfully disagrees that display of the far-field V-pulse reads on "conditions of a cardiac rhythm management device under which the second data set was acquired" recited or incorporated in the claims.

Additionally, Applicant is unable to find in Snell, a memory containing a plurality of data sets including at least a first data set distinct from a second data set, as recited or incorporated in the claims. The Office Action refers to the ECG wave pattern 48 as the first data set. However, Applicant is unable to find any disclosure in Snell of memory containing ECG wave pattern 48.

Applicant respectfully requests reconsideration and allowance of claims 9, 10, 12, and 13.

Regarding claims 16, 19, and 20:

Applicant cannot find in Snell, among other things,

correlating at least first and second collected data sets, the first data set distinct from the second data set, wherein at least one of the data sets is collected asynchronously,

as recited or incorporated in the claims. The Office Action refers to an ECG wave pattern in Snell as a first data set and spikes 51 and 53 as a second data set, and also asserts that pulses 51 and 53 are asynchronous to each other and the ECG. Applicant respectfully disagrees with the assertion. Snell states that when the A or V pulses are output to cause depolarization, the [skin ECG] electrodes 8 will be responsive to the output and spikes 51 and 53 will be displayed on the display surface (col. 10 lines 15-19). Thus, the ECG wave pattern and the spikes 51 and 53 are not first and second data sets because they are all part of the same signal from the same skin ECG electrodes. Also, because the skin ECG is apparently collected continuously once it is selected, neither the ECG nor the spikes 51 and 53 are collected asynchronously (col. 8 line 64 through col. 9 line 7).

Additionally, Applicant is unable to find in Snell, transmitting data over a communication network to a correlation data unit, as recited or incorporated in the claims. The Office Action characterizes a telemetry head as a communication network (Office Action pg. 3). Applicant respectfully disagrees that a telemetry head reads on a communication network as the term is used in the present application (*see e.g.*, page 11 lines 24-27).

Applicant respectfully requests reconsideration and allowance of claims 16, 19, and 20.

Allowable Subject Matter

Claims 3-8, 11, 14, 15, 17 and 18 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claims 3, 5, and 8 are rewritten into independent form and are not narrowed or amended in view of any substantive rejection under the Patent Act. Independent claims 11, 14, and 15 are rewritten into independent form and are not narrowed or amended in view of any substantive rejection under the Patent Act. A minor antecedent basis correction is made to claims 14 and 15. Specifically, the term “display” is changed to “output unit” to conform to the originally filed parent claim. Independent claims 17 and 18 are rewritten into independent form and are not narrowed or amended in view of any substantive rejection under the Patent Act.

New claims

New claims 21-34 are dependent and respectively depend from claims previously indicated as allowable. Allowance of claims 21-34 is requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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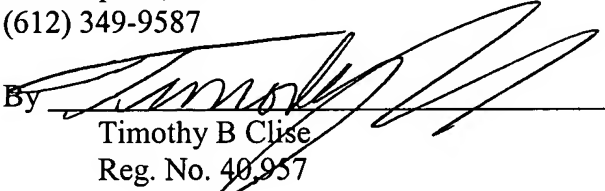
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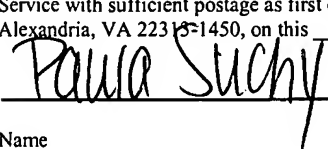
Date

1 June '05

By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 1 day of June, 2005.


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